

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Cr1.O.P.No.26053 of 2019

T.Ramesh

S/o. M.Thiagarajan

... Petitioner

Vs

1. The Director General of Police,
The State of Tamil Nadu,
Dr.Radhakrishnan Salai,
Chennai - 600 004.

2. The Inspector of Police,
District Crime Branch,
Kancheepuram.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying direction to transfer the investigation of the case in Crime No.101 of 2013 pending on the file of the second respondent police to some other competent independent investigation agency more particularly to Central Crime Branch, Chennai.

For Petitioner : Mr.Siddharth Govind

For Mr.Nithyaesh and Vaibhav

For Respondents

For R1 & R2 : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking direction to direct the first respondent to transfer the investigation pertains to the Crime No.101 of 2013 pending on the file of the second respondent police to some other competent independent investigation agency.

2. Heard Mr.Siddharth Govind, learned counsel appearing for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondents 1 & 2.

3. The case of the prosecution is that during the relevant point of time, exposing himself as Managing Director of Mithas Labs Clinical Trials Research Foundation Private Limited (hereinafter referred to as 'Mithas Labs'), one J.Jayakrishnan, S/o. Late Jayaramaraja, executed three sale deeds in favour of his wife J.Kamatchi, wherein he sold the property which belongs to the Mithas Labs. Further the said documents have been registered in the office of the Sub Registrar, Thiruporur. After knowing the same, the present petitioner being the Managing Director of Mithas Labs, sent a complaint to the District Registrar, Chengalpet and prayed to cancel the documents, which were registered in Document Nos.11271 of 2013, 11272 of 2013 and 11273 of 2013.

4. On receipt of the same, the District Registrar, Chengalpet, made an enquiry and thereafter, came to the conclusion that the said J.Jayakrishnan by showing a forged Form-32 dated 08.08.2013, relating to Mithas Labs, executed the sale deeds. As of now, the same has been cancelled vide order dated 26.11.2013, issued by the Government of India, Ministry of Corporate Affairs, Office of the Registrar of Companies, Tamilnadu, Andaman & Nicobar Islands, Chennai. Only in the said circumstances, he granted permission to the Sub Registrar, Thiruporur, to lodge a complaint against the erring person.

5. In turn, upon the complaint given by the Sub Registrar, Thiruporur, the 2nd respondent police, registered the petition mentioned case. Only in the said circumstances, finding fault with the 1st respondent police in respect to the investigation, the petitioner has filed this application to transfer the investigation.

6. Today when the petition came up for hearing, Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondents 1 & 2, on instructions would submit that in respect to the petition mentioned FIR, already the respondent police had completed the investigation and filed a final report before the learned Judicial Magistrate No.II, Chengalpattu. Subsequent to the filing of the said charge sheet, the same has been returned by the learned Judicial Magistrate No.II, Chengalpattu, after pointing out some defects. Due to the same, the respondent police had received the final report from the Court and kept the same for rectifying the defects pointed out by the said Court.

7. In this regard, the learned counsel appearing for the petitioner would contend that though the petitioner produced the relevant documents in respect to the alleged occurrence, the

respondent police had not received the same and considered the case of the petitioner and therefore, transferring the investigation is necessary.

8. In this regard, the learned Additional Public Prosecutor made an undertaking on behalf of the respondent police that if the petitioner is ready to produce the relevant documents, pertaining to the occurrence, the respondent police will receive and consider the same in accordance with law.

9. Therefore, in view of the undertaking given by the learned Additional Public Prosecutor, the petitioner is directed to approach the Investigating Officer and produce the relevant documents, which are all relied on by him, for further investigation. Upon receipt of the same, the respondent police is directed to consider the same in accordance with law, within a period of one month from the date of receipt of a copy of this Order.

10. Accordingly, without prejudice to the right having by the petitioner to approach this Court, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rts/ars
To

1. The Director General of Police,
The State of Tamil Nadu,
Dr.Radhakrishnan Salai,
Chennai - 600 004.
2. The Inspector of Police,
District Crime Branch, Kancheepuram.
3. The Public Prosecutor
Madras High Court, Chennai.

Cr1.O.P.No.26053 of 2019

gj[co]
srg 22/01/2021